



INTERIOR BOARD OF INDIAN APPEALS

Irene Spotted Horse, et al. v. Southern Plains Regional Director,
Bureau of Indian Affairs

37 IBIA 218 (04/15/2002)

Related Board cases:

36 IBIA 11

Reconsideration denied, 37 IBIA 59

Appeal filed, *Yeahquo v. Anadarko Agency Superintendent,*

Bureau of Indian Affairs, CIV-01-552-M

(W.D. Okla. filed Apr. 6, 2001)

37 IBIA 142

Appeal filed, *Housing Authority of the Kiowa Tribe of Oklahoma v.*

United States, CIV 02-0351L (W.D. Okla.)



United States Department of the Interior

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INTERIOR BOARD OF INDIAN APPEALS
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IRENE SPOTTED HORSE, WYNEMA	:	Order Docketing and Dismissing
MARTIN, and HESS BOINTY,	:	Appeal
Appellants	:	
	:	
v.	:	
	:	Docket No. IBIA 02-88-A
SOUTHERN PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	April 15, 2002

On April 11, 2002, the Board of Indian Appeals received a notice of appeal from Irene Spotted Horse, Wynema Martin, and Hess Bointy, who state that they are appealing “the refusal of [the Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA)] to recognize them as current and valid members of the Kiowa Hearing Board.” Notice of Appeal at 1. As relief, Appellants ask the Board “to render an independent and impartial decision that recognizes each of them as current and valid members of the Kiowa Hearing Board.” *Id.* at 2.

Because it was not clear from Appellants’ notice of appeal whether the Regional Director’s “refusal” had taken the form of a written decision, the Board’s Legal Assistant telephoned Appellants’ attorney, Anthony D. Gould, Esq., who stated that no decision had been issued and that Appellants were appealing the Regional Director’s inaction.

Appellants submit a copy of a March 19, 2002, letter they wrote to the Regional Director and which they evidently intended to initiate the decision-forcing procedures in 25 C.F.R. § 2.8, although they did not cite that provision in the letter. It is apparent from their letter, however, that Appellants failed to follow the steps required by 25 C.F.R. § 2.8.

When appellants seek to appeal from the inaction of a BIA official, they must comply with the requirements of 25 C.F.R. § 2.8 before they have a right to proceed to a higher official. *E.g. Felter v. Western Regional Director*, 36 IBIA 98 (2001). In light of Appellants’ failure to follow the regulatory procedures, this appeal must be dismissed as premature.

